

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

**Minute Entry**

**Hearing Information:**

**Debtor:** SUSAN SIMPSON  
**Case Number:** 2:20-BK-02088-EPB                      **Chapter:** 13  
**Date / Time / Room:** TUESDAY, AUGUST 03, 2021 11:00 AM TELEPHONIC HRGS  
**Bankruptcy Judge:** EDDWARD P. BALLINGER JR.  
**Courtroom Clerk:** ANNETTE FRANCHELLO  
**Reporter / ECR:** WESLEY STANGRET

**Matters:**

- 1) CONTINUED HEARING ON MOTION TO DISMISS OR CONVERT CASE UNDER 11 U.S.C. § 1307 FILED BY  
NEW HORIZONS 401K PROFIT SHARING PLAN, BRAD GILBERTSON, TRUSTEE  
**R / M #:** 172 / 0
- 2) CONTINUED HEARING ON DEBTOR'S OBJECTION TO NEW HORIZON'S PROOF OF CLAIM 5-1 AS AMENDED  
**R / M #:** 52 / 0
- 3) CONTINUED HEARING ON NEW HORIZONS NOTICE OF DEFAULT AND DEBTOR'S OBJECTION THERETO  
**R / M #:** 171 / 0

**Appearances:**

SCOTT W. HYDER, ATTORNEY FOR SUSAN SIMPSON  
SUSAN SIMPSON, DEBTOR  
DON C. FLETCHER, ATTORNEY FOR NEW HORIZONS 401K PROFIT SHARING PLAN  
LEONARD MCDONALD, ATTORNEY FOR JPMORGAN CHASE BANK, N.A.

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(continue)... 2:20-BK-02088-EPB

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**Proceedings:**

ITEMS #1 - #3

Mr. Hyder explains that he has filed an amended plan allowing the Debtor to sell the property. He states that the automatic stay will be deemed lifted if the Debtor does not have a contract in escrow by September 30, 2021. If she does have a contract in escrow, the stay continues but if a closing does not occur by October 30, 2021, the stay is lifted at that time. He and Mr. Fletcher have discussed a payoff amount and have agreed that the amount is \$126,500.00.

Mr. Fletcher states that there are additional terms like expecting the Debtor move expeditiously with the sale. He and Mr. Hyder propose having a status conference later in the month. He notes that the Debtor is trying to sell the house without a broker. He and Mr. Hyder will file a formal stipulation setting the claim at \$126,500.00 which would supersede the previously filed claim. He asks that there be a time period for the Debtor to obtain a broker if she cannot sell the house.

The Court suggests that the parties come to an agreement regarding the Debtor moving expeditiously.

Mr. Hyder will draft an order with all the details. He notes that the escrow agent would be permitted to pay the Chase lien, HOA lien, and closing costs. The escrow agent would then hold the remaining proceeds pending further order from the Court.

Mr. McDonald has nothing to add.

COURT: IT IS ORDERED continuing this hearing to August 24, 2021 at 1:30 p.m.